

**INTERSTATE SHIPMENT:** From the States of Pennsylvania, Missouri, and Indiana, of quantities of *Dexedrine Sulfate tablets*, *Nembutal Sodium capsules*, and *thyroid tablets*.

**ALLEGED VIOLATION:** On September 14 and 29, 1949, the defendant sold without a prescription, in the original bottles in which the articles had been shipped in interstate commerce, and while they were held for sale by the defendant after such shipment, one bottle containing 24 *Dexedrine Sulfate tablets* and one bottle containing 50 *thyroid tablets*. The tablets contained in the original bottles had been exempt from the requirement of Section 502 (f) (1), prior to the date of such sales, since their labels bore the prescription legend required by the regulation. This exemption expired when the defendant sold the tablets without physician's prescription, and resulted in the misbranding of the tablets in violation of Section 502 (f) (1), since the bottles bore no labeling containing directions for use.

On September 17 and 29, 1949, while the *Nembutal Sodium capsules* were being held for sale after shipment in interstate commerce, the defendant caused a number of the capsules to be repackaged and sold without a prescription, which acts of the defendant resulted in the product being misbranded as follows: Sections 502 (b) (1) and (2), the repackaged capsules failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents. Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been designated as habit forming; and when repackaged the drug bore no label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (f) (1), the labeling of a portion of the capsules bore no directions for use, and the directions "One at bedtime" borne on the labeling of another portion of the capsules were not adequate directions for use.

**DISPOSITION:** July 20, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$200, plus costs.

**3205. Misbranding of Nembutal Sodium capsules, phenobarbital tablets, and thyroid tablets. U. S. v. Mary S. Northrup (Northrup Drug Store). Plea of nolo contendere. Fine, \$125. (F. D. C. No. 28113. Sample Nos. 45597-K, 46061-K, 46068-K, 60795-K, 60797-K.)**

**INFORMATION FILED:** February 17, 1950, Western District of Missouri, against Mary S. Northrup, trading as the Northrup Drug Store, Rich Hill, Mo.

**INTERSTATE SHIPMENT:** From North Chicago, Ill., Detroit, Mich., and Indianapolis, Ind., into the State of Missouri, prior to May 11, 16, and 24, 1949.

**ALLEGED VIOLATION:** On or about May 11, 16, and 24, 1949, and while the articles were being held for sale after shipment in interstate commerce, the defendant caused quantities of the articles to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged articles being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the repackaged articles bore no label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), they bore no label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged *Nembutal Sodium capsules* and *phenobarbital tablets* were drugs for use by man and contained

chemical derivatives of barbituric acid, which derivatives have been by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and the labels of the repackaged capsules and tablets failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged *Nembutal Sodium capsules* and *thyroid tablets* failed to bear labeling containing adequate directions for use.

DISPOSITION: March 3, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$125.

**3206. Misbranding of Seconal Sodium capsules. U. S. v. John Byron Miller (J. B. Miller, pharmacist). Plea of guilty. Fine of \$225, plus costs. (F. D. C. No. 28130. Sample Nos. 43664-K, 43665-K, 51668-K.)**

INFORMATION FILED: May 18, 1950, Eastern District of Kentucky, against John Byron Miller, trading as J. B. Miller, pharmacist, Williamstown, Ky.

INTERSTATE SHIPMENT: From the State of Indiana into the State of Kentucky, of quantities of *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about June 14, 17, and 20, 1949, while the *Seconal Sodium capsules* were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the capsules to be repacked and sold without a prescription, which acts of the defendant resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged capsules failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and when repackaged, the drug failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged capsules bore no labeling containing directions for use.

DISPOSITION: September 25, 1950. A plea of guilty having been entered, the court imposed a fine of \$225, plus costs.

**3207 Misbranding of sulfathiazole tablets. U. S. v. Herman V. Baker (Baker's Cut Rate Drugs). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 29119. Sample Nos. 48642-K, 48657-K, 48658-K.)**

INFORMATION FILED: June 8, 1950, Eastern District of Pennsylvania, against Herman V. Baker, trading as Baker's Cut Rate Drugs, Philadelphia, Pa.

INTERSTATE SHIPMENT: From the State of New York into the State of Pennsylvania, of quantities of *sulfathiazole tablets*.

ALLEGED VIOLATION: On or about October 24 and 28 and November 3, 1949, while the *sulfathiazole tablets* were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and sold without a prescription, which acts resulted in the tablets being misbranded.